

REMARKS

In the Office Action dated June 16, 2006, claims 17 and 19-38 were rejected and the rejection was made final. Applicant has carefully considered the Office Action and submits the amendments above and remarks to follow as a full and complete response thereto. Applicant submits further that the amendments introduce no new matter, raise no new issues for examination and place the application in condition for allowance or in better condition for appeal.

Applicant has cancelled claims 21, 22, 27, and 31 through 33, amended claims 17, 19, 23 through 24, and 30 through 34. Claims 17, 19 through 20, 23 through 26, 28 through 30 and 34 through 38 are submitted for reconsideration as amended.

Applicant's invention is an aftermarket device to provide secure access to an enclosed vehicle, especially a motor vehicle. The device may be installed on a new or used vehicle and removed without damage to the original electric/electronic circuitry in the vehicle. This is in contrast to OEM systems which are fully integrated into the car to the extent that portions of the exterior and interior are replaced when a system is installed, making removal to a replacement vehicle hugely expensive. Note Hsu et al., Fig. 4.

Claims 19 and 20 had been rejected as obvious over Hsu et al., in view of Radke, Patent Publication 2004 0155752 (un-issued). Applicant has amended claim 19 to include the limitation previously recited in claim 21 (now cancelled) that the sensor is protected by a hinged protective cover [c.f. Fig. 1, element 11]. The cover protects the sensor from environmental hazards, including but not limited to, rocks, cinders, sand, mud, salt, sunlight, acid rain, snow, ice and urban vandalism. A spring loaded protective cover constitutes real physical protection, readily distinguished from the "backside of a door handle" shown in Fig. 3 of Hsu et al.

In rejecting claims 21 and 23, the Office had added Reardon, U.S. Patent No. 5,078,426 as an alleged hinged fingerprint cover. The Reardon cover is a thin sheet of a flexible plastic such as cellophane. The “hinge” is a piece of tape 52. While a thin plastic flap may constitute a protective cover for a paper document in a file cabinet, it is not the equivalent of a protective cover as used on the exterior of a motor vehicle traveling at 60 mph in a sleet storm. Claims’ limitations must be read in the context of the claim. Applicant now specifies that the cover is rigid.

Claim 17 had been rejected as obvious over the combination of Hsu et al., in view of Radke and in further view of Foster, Jr., U.S. Patent No. 5,668,929. Claim 17 was directed to the device of claim 19 further comprising a back-up battery so that access to the vehicle would be enabled in the event that the primary battery “went dead.” Previous claim 27 further specified that the backup battery has sufficient capacity to charge the main battery and enable at least one attempt to start the vehicle. Claims 17 and 27 are now merged to provide function not present in the cited art.

The distinctions between claim 19 and the references cited have been discussed *supra*. The position of the Office in interpretation of the disclosure of Anzai et al. cited against claim 27, is incorrect. Anzai does not teach starting a vehicle- only enabling access to the primary battery. Applicant claims the capacity to impact a “surface charge” to the primary battery to allow at least one attempt to a start.

Claims 24-25 have been rejected over Hsu, Fig. 5. The claims are directed to function selection on the face of the device. Suitable functions are listed in paragraphs [0033] and [0035]. Hsu specifically limits the functions controllable from the sensor in the sentence bridging columns 4 and 5. The recitation in the specification is not congruent with the suggestions at page 4 of the Office Action. Applicant respectfully notes that the sensor surface in the Hsu

reference is pointed away from the user on a pull surface of the door handle. Selection of a specific function seems to be prohibited in this configuration.

Claim 26 specifies that the access information is stored within the protective housing. Hsu stores the data in a "protective housing provided by the vehicle." The difference is precisely the difference between OEM and aftermarket, and explains why Applicant's device is portable between vehicles- which the Hsu system is not.

Claim 22, directed to an integral switch on a hinge has been cancelled.

Claim 28 and 29 are directed to the use of a shuttle card as a surrogate fingerprint. The claims had been rejected over Hsu et al. in view of Radke and in further view of Bonder et al., U.S. Patent No. 6,078,265. Bonder et al. does not teach a shuttle card but a so-called "intelligent key" in which, according to claim 1 "fingerprint recognition is performed entirely within the intelligent key..." The system suffers from the most common weakness of any key-based system- the lost key. Even worse, in the Bonder system, the key costs as much as the Applicant's entire system. RFID requires no batteries. It is a means of information storage only, and serves as a more modern bar code in Applicant's scenario. Bonder's key is much more than RFID.

Claims 30-33 are directed to a method for conservation of energy in a fingerprint sensor. The claim had not been rejected under 35 USC 103 (a) over Radke in view of Shohara, U.S. Patent No. 6,473,607 and Usuri, Japanese Kokai 2002-15560 (claim 32). Applicant has cancelled claims 31-33 and merged their limitations into claim 30. Claim 30 now specifies that selection of a function activates the system.

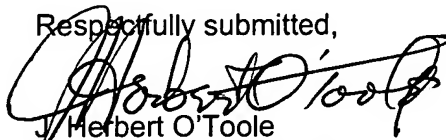
Claims 34 through 38 are directed to an enroller for entering fingerprint data into each device. These claims had been rejected over Hsu et al., in view of Radke and Bonder.

Hsu et al. does not teach a detachable enroller. Instead, enrollment is performed on the vehicle as described at col. 7, lines 15 ff. Anyone who has knowledge of the system

architecture can break into the system and hijack the vehicle. In Applicant's system, the separate enroller is controlled by the system vendor (e.g. car dealer, security system vendor) and serves as an extra level of security. Furthermore, the password stays with the vehicle and access requires password and owner's fingerprint (i.e. access is vehicle specific). Bonder teaches enrollment of a person on a key but does not store the information on the vehicle. The key remains the weak point of the system since the key is more likely to be lost than a finger. An enroller is not needed in an emergency for Applicant's device but without an enroller, the combination of Hsu and Bonder can (and would) leave the vehicle owner stranded without a key.

In view of the amendments and remarks, Applicant submits that the case in condition for allowance and requests reconsideration and favorable action.

Respectfully submitted,



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